

SENATE BILL 466
By Williams

AN ACT to amend Tennessee Code Annotated, Title 8,
relative to judges.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-34-601(c), is amended by deleting subsection in its entirety and by substituting instead the following:

(c) Any Group 1, Group 3 or Group 4 state judge, general sessions, probate, juvenile or domestic relations judge who remains in service upon attaining seventy (70) years of age may continue to participate in the retirement system and to accrue creditable service.

SECTION 2. Tennessee Code Annotated, Section 8-34-603(a)(3)(A), is amended by adding the following subsection:

(vi) Any member establishing service in Group 4 who is a general sessions, probate, juvenile or domestic relations judge on or after July 1, 2005, which was rendered in a capacity covered either by Group 1, Group 3, or Group 4, shall receive credit in Group 4.

SECTION 3. Tennessee Code Annotated, Section 8-34-622, is amended by deleting such section in its entirety and by substituting instead the following:

Any member of Group 4 may establish creditable service only by service and contribution as a state, general sessions, probate, juvenile or domestic relations judge, constitutional convention member as provided by § 8-34-608 and military service as provided by § 8-34-605.

SECTION 4. Tennessee Code Annotated, Section 8-34-623, is amended by designating the existing language as subsection (a) and by adding the following as new subsection (b):

(b) Notwithstanding any provision of the law to the contrary, any Group 1 or 3 general sessions, probate, juvenile or domestic relations judge defined herein shall be eligible to elect to transfer any service previously established as a state judge, general sessions, probate, juvenile or domestic relations judge, member of a constitutional convention as provided by § 8-34-608, and military service as provided by § 8-34-605, from Group 1 or 3 to Group 4 of the retirement system. It is further provided that such transfer of service shall occur upon the election by the member and the lump sum payment, if applicable, of the difference between what the member would have contributed as a member of Group 4 and the amount of employee contributions to the member's credit on the effective date of transfer. If such election and transfer of service and applicable payment occurs within one hundred eighty (180) days of July 1, 2005, it shall be without interest. An election, transfer of service and payment occurring after one hundred eighty (180) days of July 1, 2005, shall include interest pursuant to § 8-37-214.

SECTION 5. Tennessee Code Annotated, Section 8-34-715, is amended by deleting such section in its entirety and by substituting instead the following:

Section 8-34-715. Notwithstanding any other law to the contrary, a state, general sessions, probate, juvenile or domestic relations judge shall receive full retirement credit for service rendered after such judge's seventieth birthday.

SECTION 6. Tennessee Code Annotated, Title 8, Chapter 34, Part 7, is amended by adding the following new section thereto:

Section 8-34-718. Notwithstanding any provision of the law to the contrary, any state, general sessions, probate, juvenile or domestic relations judge, who, prior to July 1, 2005, participated in Group 1 or 3 classifications of the retirement system, may elect, by completing the necessary forms, to transfer membership into Group 4 of the

retirement system from and after July 1, 2005. The election to transfer membership shall become effective on the date of the election.

SECTION 7. Tennessee Code Annotated, Section 8-35-105(a)(4), is amended by deleting such subdivision in its entirety and by substituting instead the following:

(4) Group 4. State judges entering service after September 1, 1990, and a judge of a general sessions court, probate, juvenile or domestic relations court whose compensation is paid wholly by a county of the state entering service after July 1, 2005, and transferring membership under chapter 34, part 7.

SECTION 8. Tennessee Code Annotated, Section 8-36-204(b)(1), is amended by deleting such subdivision in its entirety and by substituting instead the following:

(1) In addition to all requirements for service, or early service retirement, any employee, except Group 4 state, general sessions, probate, juvenile or domestic relations judge becoming a member of the retirement system on or after July 1, 1979, must have a total of ten (10) years of creditable service to qualify for retirement benefits. A Group 4 state, general sessions, probate, juvenile or domestic relations judge must have eight (8) years of creditable service to qualify for retirement benefits.

SECTION 9. This act shall take effect July 1, 2005, the public welfare requiring it.